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for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

SAGE ASSOCIATES;

MALCOLM H. SAGE, IN HIS CAPACITY AS  
PARTNER OR JOINT VENTURER OF SAGE  
ASSOCIATES, INDIVIDUALLY AS BENEFICIARY OF

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04362 (SMB)

SAGE ASSOCIATES, AND AS THE PERSONAL  
REPRESENTATIVE OF THE ESTATE OF LILLIAN M.  
SAGE;

MARTIN A. SAGE, IN HIS CAPACITY AS PARTNER  
OR JOINT VENTURER OF SAGE ASSOCIATES AND  
INDIVIDUALLY AS BENEFICIARY OF SAGE  
ASSOCIATES; AND

ANN M. SAGE PASSER, IN HER CAPACITY AS  
PARTNER OR JOINT VENTURER OF SAGE  
ASSOCIATES AND INDIVIDUALLY AS  
BENEFICIARY OF SAGE ASSOCIATES,

Defendants.

**NOTICE OF FINAL PRETRIAL CONFERENCE**

**PLEASE TAKE NOTICE** that on November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”) (Adv. Pro. No. 08-01789, ECF Docket No. 3141).<sup>1</sup> Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, in this Adversary Proceeding on November 30, 2010 (Adv. Pro. No. 10-04362, ECF Docket No. 2), the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter;

**PLEASE TAKE FURTHER NOTICE** that on November 30, 2010, the Trustee filed the original complaint against Defendants in the United States Bankruptcy Court for the Southern District of New York (Adv. Pro. No. 10-04362, ECF Docket No. 1). On or about January 25, 2012, the Trustee filed an amended complaint (the “Amended Complaint”) against Defendants

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed in the Order.

during the time that the reference of this adversary proceeding was withdrawn to the United States District Court for the Southern District of New York (Civil Case No. 11-cv-07682, ECF Docket No. 8);

**PLEASE TAKE FURTHER NOTICE** that on September 18, 2015, Defendants filed an Answer to the Trustee's Amended Complaint (Adv. Pro. No. 10-04362, ECF Docket No. 43) and pursuant to the Avoidance Procedures, the Trustee and Defendants (the "Parties") commenced discovery, which was completed on July 5, 2018;

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Avoidance Procedures, on September 17, 2019, the Trustee filed a Notice of Mediation Referral (Adv. Pro. No. 10-04362, ECF Docket No. 100), wherein the Parties jointly agreed to enter mediation, and the mediation was completed on January 24, 2020 without a settlement between the Parties;

**PLEASE TAKE FURTHER NOTICE** that the mediator filed her final report on March 5, 2020 indicating that the mediation was unsuccessful (Adv. Pro. No. 10-04362, ECF Docket No. 104);

**PLEASE TAKE FURTHER NOTICE** that pursuant to Section 7 of the Avoidance Procedures concerning scheduling a pre-trial conference and trial, which provides that after all discovery has been completed and after the completion of mediation without a settlement, the parties to the Avoidance Action shall so inform the Court at the next scheduled Avoidance Actions Omnibus Hearing;

**PLEASE TAKE FURTHER NOTICE** that the final pre-trial conference in the above-captioned adversary proceeding has been scheduled for **March 25, 2020**, at **10:00 a.m.**;

**PLEASE TAKE FURTHER NOTICE** that the hearing will be held before the Honorable  
Stuart M. Bernstein, United States Bankruptcy Judge and all trial counsel are required to attend.

Dated: New York, New York  
March 5, 2020

Respectfully submitted,

/s/ Nicholas J. Cremona

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Liquidation of Bernard L. Madoff  
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